

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION**

KERI JEAN COOK, et al.,

Plaintiffs,

v.

CARESTAR, INC., et al.,

Defendants.

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Case No.: 2:11-cv-691

Judge Marbley

Magistrate Judge King

**ORDER CONDITIONALLY CERTIFYING THIS CASE AS A COLLECTIVE ACTION
AND PERMITTING SUPERVISED NOTICE OF THIS ACTION
TO POTENTIAL OPT-IN PLAINTIFFS**

The parties stipulate and the Court finds that:

1. Plaintiffs Keri Jean Cook, Teresa L. Bowman, Heidi N. Gildow and Jerri Dawn Steele ("Plaintiffs") have alleged a collective action against Defendants Carestar, Inc. and Thomas J. Gruber (collectively referred to as "Carestar") for payment of overtime wages. Plaintiffs bring this claim pursuant to the Fair Labor Standards Act ("FLSA") and Ohio labor law.

2. The parties stipulate that other employees may be similarly situated to Plaintiffs.

Therefore, the Court conditionally certifies the following class:

Any employee of Carestar who was employed as a Case Manager
at any time during the past three (3) years.

3. The parties and the Court have approved the attached notice and consent form to be sent to each member of the conditionally certified class.

4. Carestar is given until not later than fourteen (14) days following entry of this Order to provide the Court with the names and current home addresses of the members of the conditional class.

/s/Algenon L. Marbley

I STIPULATE TO THE ENTRY OF THE ABOVE ORDER:

/s/ David T. Ball
Attorney for Plaintiffs

/s/ with consent of Mark D. Katz
Attorney for Defendants

NOTICE OF COLLECTIVE ACTION

THIS IS NOT A LAWSUIT AGAINST YOU. PLEASE READ THIS NOTICE CAREFULLY.
YOUR LEGAL RIGHTS MAY BE AFFECTED.

TO: All persons who work or have worked for Carestar, Inc. as a Case Manager at any time during the three years preceding the date of this Notice.

DATE: 3/5/2012

RE: Fair Labor Standards Act ("FLSA") Lawsuit Filed by Keri Jean Cook, et al. against Carestar, Inc. and Thomas J. Gruber

I. INTRODUCTION

The purpose of this Notice is to inform you of a collective action lawsuit against Carestar, Inc. and Thomas J. Gruber ("Carestar") in which you are potentially "similarly situated" to the named Plaintiffs, to advise you of how your rights may be affected by this suit, and to instruct you on the procedure for participating in this suit if you so desire.

As described more fully below, if you are eligible and wish to participate in this collective action, you must timely complete and submit the "Consent to Join" form attached to this Notice.

II. DESCRIPTION OF THE LAWSUIT

Plaintiffs Keri Jean Cook, Teresa L. Bowman, Heidi N. Gildow and Jerri Dawn Steele ("Plaintiffs") have filed this action against Carestar on behalf of themselves and all other past and present employees, who at any time during the preceding three years have held job positions as Case Managers and were paid on a points-based compensation system. Plaintiffs allege that Carestar failed to pay them and other past and present Case Managers the overtime pay to which they were entitled under the Fair Labor Standards Act and Ohio law. Plaintiffs allege they are entitled to overtime pay for such work performed during the last three years.

Plaintiffs also alleges that they, and all employees similarly situated, are entitled to liquidated damages in an amount equal to the amount of unpaid overtime wages, and that they are entitled to prejudgment interest, attorneys' fees, and costs associated with joining this lawsuit.

Carestar denies any and all liability, including Plaintiffs' allegations that it failed to correctly compensate employees or that it is liable to Plaintiffs for any claimed violation of the FLSA and Ohio law.

III. THE CURRENT STATE OF THIS LAWSUIT

This lawsuit is in the early stages of litigation. The Court has conditionally certified this case as a collective action and ordered this Notice be sent to you.

IV. PERSONS ELIGIBLE TO RECEIVE THIS NOTICE

The U.S. District Court for the Southern District of Ohio has ordered this FLSA Notice to be distributed to all employees of Carestar who have been employed as Case Managers at any time during the three years preceding the date of this Notice ("Covered Employees").

V. YOUR RIGHT TO PARTICIPATE IN THIS SUIT

If you were employed by Carestar as a Case Manager for any period during the three years prior to the date of this Notice and you believe that Carestar has failed to pay you for all overtime compensation to which you are entitled, you have the right to join the pending lawsuit against Carestar.

If you want to participate in the lawsuit, you must take affirmative steps to indicate your intent to join the action. You must complete, sign and fax or mail a copy of your Consent to Join form, which is attached to this Notice, to Settlement Services, Inc. If mailed, your signed Consent to Join form must be postmarked by no later than (30 days from mailing). If faxed, your signed Consent to Join form must be successfully faxed no later than (30 days from mailing).

By filing a Consent To Join form with the Court, you will become a party to this lawsuit. As such, you will subject to providing deposition testimony, producing documents and potentially testifying in Court at the trial.

If you fail to return the "Consent to Join" form to Settlement Services, Inc., by (30 days from mailing), 2012, you will not be permitted to participate in this lawsuit.

Filing a "Consent to Join" form does not guarantee that you will be able to participate in the trial of this lawsuit as this may depend upon a final ruling from the District Court that you and the named Plaintiffs are "similarly situated" under federal law. Failing to return and have filed a "Consent to Join" form postmarked on or before the deadline means that you cannot be allowed to participate in any settlement or judgment for damages under the Fair Labor Standards Act or Ohio law as part of this lawsuit.

VI. STATUTE OF LIMITATIONS

The Fair Labor Standards Act contains a limitations period of at least two years and potentially up to three years for the filing of a claim for unpaid overtime wages, after which the claim is forever barred. The statute of limitations on your claim for unpaid overtime wages will not stop running unless you elect to submit a Consent form and that form is filed with the Court. In the event that you decide not to file a Consent to Join form in this Lawsuit, you should consult with your own attorney as to how the statute of limitations would apply to your claim.

VII. EFFECT OF JOINING THIS SUIT

If you choose to file a "Consent to Join" form and the Court later permits your claims to proceed to trial as part of the collective action, you will be bound by any judgment regarding the FLSA claims entered in this case, whether favorable or unfavorable.

If you choose to join the collective action, you will be represented by the law firm currently representing the Plaintiffs. The attorneys for the Plaintiffs are being paid on a contingency fee basis, which means that if there is no recovery, there will be no payment to the attorneys. Attorneys for the Plaintiffs may be paid either by Carestar, Inc. or Thomas J. Gruber, or they may, either in addition to or instead of payment from Carestar, Inc. or Thomas J. Gruber, receive a percentage of any money judgment or settlement in favor of you, or others similarly situated, as agreed by contract or ordered by the Court.

If you return a Consent to Join form, you should be aware that important decisions concerning the prosecution of this case including for the FLSA claims may be made on your behalf. As an alternative to joining this lawsuit, you may file your own lawsuit with any counsel of your choosing, or do nothing.

VIII. NO LEGAL EFFECT IN NOT JOINING THIS SUIT

If you choose not to join this collective action, you will not be affected by any judgment or settlement in this case on this claim, and you will not be bound by any judgment on the Fair Labor Standards Act claim, whether favorable or unfavorable to the class. If you choose not to file a Consent to Join form, you are free to file your own lawsuit. If you choose not to file a Consent to Join form, the statute of limitations will continue to run until such time as you file a lawsuit on your own behalf.

IX. NO RETALIATION PERMITTED

Federal law prohibits Carestar or its agents from discharging or in any other manner discriminating against you because you elect to join this action by filling out and returning the "Consent to Join" form, or otherwise exercise your rights under the Fair Labor Standards Act.

X. ADMINISTRATOR

Settlement Services, Inc.
P.O. Box 1657
Tallahassee, FL 32302-1657
Toll Free: (866) 385-6216
Fax: (850) 385-6008

XI. ATTORNEYS FOR PLAINTIFFS

Rosenberg & Ball Co., LPA
David T. Ball (Ohio State Bar No. 0078885)
395 N. Pearl St.
Granville, OH 43023
Toll Free: 1-888-680-6797 ext. 2
Fax: 1-866-498-0811
Email: dave.rblaw@gmail.com

XII. DEFENDANT'S LEGAL REPRESENTATIVES

Ulmer Berne LLP
Mark D. Katz
Karen L. Imbus
1660 West 2nd St., Suite 1100
Cleveland, Ohio 44113-1448
Office: (216) 583-7000
Fax: (216) 583-7001 (Fax)
Email: mkatz@ulmer.com, kimbus@ulmer.com

XIII. FURTHER INFORMATION

Further information about this Notice, the deadline for filing a "Consent to Join," or questions

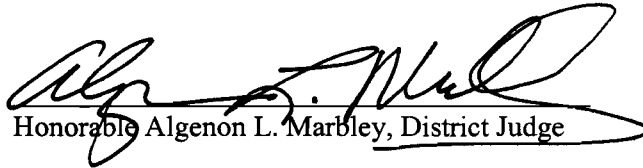
concerning this lawsuit may be obtained by telephoning the Notice Administrator, Settlement Services, Inc., at (866) 385-6216 or Plaintiffs' counsel at 1-888-680-6797 ext. 2.

XIV. COURT AUTHORIZATION

This Notice and its contents have been authorized by the United States District Court, Honorable Algenon L. Marbley, United States District Court Judge. The Court has taken no position in this case regarding the merits of Plaintiffs' claims or the defenses of Carestar, Inc. or Thomas J. Gruber.

IT IS SO ORDERED

Dated: March 5, 2012


Honorable Algenon L. Marbley, District Judge

CONSENT TO JOIN 29 U.S.C. SEC. 216(b)
AND O.R.C. SEC. 4111.03 ACTION

I hereby consent to join the civil action in the United States District Court for the Southern District of Ohio titled *Cook et al. v. Carestar, Inc., et al.*, Case No. 2:11-cv-691, to recover unpaid overtime compensation, additional damages and costs under 29 U.S.C. Sec. 216(b) and O.R.C. Sec. 4111.10, and be represented by David T. Ball, Attorney, Rosenberg & Ball Co., LPA, Granville, Ohio 43023 for the purpose of joining such action.

DATE

Signature

Name (Printed)

Case Manager

Job Title

XXX-XX-

Social Security Number